

EXHIBIT A

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmcmahon@saverilawfirm.com
acera@saverilawfirm.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF TA-NEHISI COATES'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

1 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to
2 the extent that it calls for communications subject to the attorney-client privilege, work product
3 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
4 Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 2, 3, 4, 5.

5 Subject to and without waiving the general and specific objections stated above, Plaintiff will
6 search for and produce relevant and responsive non-privileged communications within his possession,
7 custody, or control relating to the use of Plaintiff’s ASSERTED WORKS for the purposes of training
8 generative AI models.

9 **REQUEST FOR PRODUCTION NO. 9:**

10 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
11 ASSERTED WORKS between January 1, 2013 and the present.

12 **RESPONSE TO REQUEST NO. 9:**

13 In addition to and without waiving the general objections set forth above, Plaintiff objects to
14 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
15 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
16 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
17 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
18 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
19 grounds that it has no conceivable relevance to this ACTION and that some such documents are
20 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
21 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
22 client privilege, work product doctrine, and/or any other applicable privilege or protection from
23 disclosure.

24 Subject to and without waiving the general and specific objections stated above, Plaintiff will
25 meet and confer to understand the purported relevance of this request and narrow the scope and time
26 period of the Request.
27
28

1 **REQUEST FOR PRODUCTION NO. 10:**

2 DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on
3 YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013
4 and the present.

5 **RESPONSE TO REQUEST NO. 10:**

6 In addition to and without waiving the general objections set forth above, Plaintiff objects to
7 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
8 Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this
9 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
10 of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff
11 objects to this Request on the grounds that some such documents are publicly accessible, are equally
12 available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this
13 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
14 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
15 Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories
16 Nos. 1, 2, 4.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
18 meet and confer to narrow the scope and time period of the Request.

19 **REQUEST FOR PRODUCTION NO. 11:**

20 DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED
21 WORKS between January 1, 2013 and the present.

22 **RESPONSE TO REQUEST NO. 11:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
25 Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to
26 this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
27 needs of the case, particularly because the Request seeks documents dating back to January 1, 2013.
28 Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
 2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
 4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
 5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
 10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
 15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
 16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
 17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
 21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
 27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
12 not produce documents relating to this Request as it is premature and protected by attorney-client
13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for

28 Production Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request for Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within his possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmahon@saverilawfirm.com
acera@saverilawfirm.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF JUNOT DÍAZ'S RESPONSES
AND OBJECTIONS TO DEFENDANT
META PLATFORMS, INC.'S FIRST SET
OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS**

1 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to
2 the extent that it calls for communications subject to the attorney-client privilege, work product
3 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
4 Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 2, 3, 4, 5.

5 Subject to and without waiving the general and specific objections stated above, Plaintiff will
6 search for and produce relevant and responsive non-privileged communications within his possession,
7 custody, or control relating to the use of Plaintiff’s ASSERTED WORKS for the purposes of training
8 generative AI models.

9 **REQUEST FOR PRODUCTION NO. 9:**

10 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
11 ASSERTED WORKS between January 1, 2013 and the present.

12 **RESPONSE TO REQUEST NO. 9:**

13 In addition to and without waiving the general objections set forth above, Plaintiff objects to
14 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
15 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
16 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
17 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
18 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
19 grounds that it has no conceivable relevance to this ACTION and that some such documents are
20 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
21 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
22 client privilege, work product doctrine, and/or any other applicable privilege or protection from
23 disclosure.

24 Subject to and without waiving the general and specific objections stated above, Plaintiff will
25 meet and confer to understand the purported relevance of this request and narrow the scope and time
26 period of the Request.
27
28

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
 2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
 4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
 5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
 10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
 15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
 16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
 17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
 21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
 27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
 10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 12 not produce documents relating to this Request as it is premature and protected by attorney-client
 13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
 17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for

28 Production Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request for Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within his possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K. L. Young (State Bar No. 318371)
Louis A. Kessler (State Bar No. 243703)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
lkessler@saverilawfirm.com
hbenon@saverilawfirm.com
kmcMahon@saverilawfirm.com
acera@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, 406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (pro hac vice)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF CHRISTOPHER GOLDEN'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

1 term “copyrighted works” as overbroad and undefined. Plaintiff further objects to this Request as
2 unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case,
3 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request
4 to the extent that it calls for communications subject to the attorney-client privilege, work product
5 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
6 Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 2, 3, 4, 5.

7 Subject to and without waiving the general and specific objections stated above, Plaintiff will
8 search for and produce relevant and responsive non-privileged communications within his possession,
9 custody, or control relating to the use of Plaintiff’s ASSERTED WORKS for the purposes of training
10 generative AI models.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
13 ASSERTED WORKS between January 1, 2013 and the present.

14 **RESPONSE TO REQUEST NO. 9:**

15 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
16 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
17 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
18 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
19 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
20 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds
21 that it has no conceivable relevance to this ACTION and that some such documents are publicly
22 accessible, are equally available to Defendant, or are already in their possession, custody, or control.
23 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
24 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

25 Subject to and without waiving the general and specific objections stated above, Plaintiff will
26 meet and confer to understand the purported relevance of this request and narrow the scope and time
27 period of the Request.
28

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendant, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls
 2 for documents subject to the attorney-client privilege, work product doctrine, and/or any other
 3 applicable privilege or protection from disclosure.

4 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 5 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 6 the First Consolidated Amended Complaint.

7 **REQUEST FOR PRODUCTION NO. 22:**

8 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 9 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 10 has allegedly infringed YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 22:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
 13 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 14 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 15 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 16 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 17 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 18 accessible, are equally available to Defendant, or are already in their possession, custody, or control.
 19 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 20 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

21 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 22 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

23 **REQUEST FOR PRODUCTION NO. 23:**

24 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 25 Meta’s alleged infringement of YOUR ASSERTED WORKS.

26 **RESPONSE TO REQUEST NO. 23:**

27 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
 28 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this

1 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
2 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
3 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to the Request
4 because it prematurely seeks information regarding damages and is the subject of expert testimony.
5 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
6 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
7 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request For
8 Production Nos. 24, 25, 26.

9 Subject to and without waiving the general and specific objections stated above, Plaintiff will not
10 produce documents relating to this Request as it is premature.

11 **REQUEST FOR PRODUCTION NO. 24:**

12 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
13 suffered due to Meta’s alleged infringement of YOUR ASSERTED WORKS.

14 **RESPONSE TO REQUEST NO. 24:**

15 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
16 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
17 Request to the extent that the term “lost opportunity” is ambiguous and vague. Plaintiff further objects
18 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
19 needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to
20 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
21 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
22 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
23 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
24 Nos. 23, 25, 26.

25 Subject to and without waiving the general and specific objections stated above, Plaintiff will not
26 produce documents relating to this Request as it is premature.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a result of the creation and distribution of the “Pile” dataset (referenced in the COMPLAINT) by THIRD PARTIES.

RESPONSE TO REQUEST NO. 25:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 23, 24.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature and protected by attorney-client privileges.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by THIRD PARTIES.

RESPONSE TO REQUEST NO. 26:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to the

Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 23, 24.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature and protected by attorney-client privileges.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the Books3 and Pile datasets.

RESPONSE TO REQUEST NO. 27:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production No. 19.

Subject to and without waiving the general and specific objections stated above, Plaintiff will search for and produce relevant and responsive non-privileged documents within his possession, custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

REQUEST FOR PRODUCTION NO. 28:

A copy of any valuation of the ASSERTED WORKS.

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmcmahon@saverilawfirm.com
acera@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF ANDREW SEAN GREER'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

1 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to
2 the extent that it calls for communications subject to the attorney-client privilege, work product
3 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
4 Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 2, 3, 4, 5.

5 Subject to and without waiving the general and specific objections stated above, Plaintiff will
6 search for and produce relevant and responsive non-privileged communications within his possession,
7 custody, or control relating to the use of Plaintiff’s ASSERTED WORKS for the purposes of training
8 generative AI models.

9 **REQUEST FOR PRODUCTION NO. 9:**

10 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
11 ASSERTED WORKS between January 1, 2013 and the present.

12 **RESPONSE TO REQUEST NO. 9:**

13 In addition to and without waiving the general objections set forth above, Plaintiff objects to
14 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
15 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
16 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
17 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
18 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
19 grounds that it has no conceivable relevance to this ACTION and that some such documents are
20 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
21 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
22 client privilege, work product doctrine, and/or any other applicable privilege or protection from
23 disclosure.

24 Subject to and without waiving the general and specific objections stated above, Plaintiff will
25 meet and confer to understand the purported relevance of this request and narrow the scope and time
26 period of the Request.
27
28

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
 10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 12 not produce documents relating to this Request as it is premature and protected by attorney-client
 13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
 17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for

28 Production Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request for Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within his possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmcmahon@saverilawfirm.com
acera@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF DAVID HENRY HWANG'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

1 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to
2 the extent that it calls for communications subject to the attorney-client privilege, work product
3 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
4 Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 2, 3, 4, 5.

5 Subject to and without waiving the general and specific objections stated above, Plaintiff will
6 search for and produce relevant and responsive non-privileged communications within his possession,
7 custody, or control relating to the use of Plaintiff’s ASSERTED WORKS for the purposes of training
8 generative AI models.

9 **REQUEST FOR PRODUCTION NO. 9:**

10 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
11 ASSERTED WORKS between January 1, 2013 and the present.

12 **RESPONSE TO REQUEST NO. 9:**

13 In addition to and without waiving the general objections set forth above, Plaintiff objects to
14 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
15 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
16 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
17 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
18 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
19 grounds that it has no conceivable relevance to this ACTION and that some such documents are
20 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
21 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
22 client privilege, work product doctrine, and/or any other applicable privilege or protection from
23 disclosure.

24 Subject to and without waiving the general and specific objections stated above, Plaintiff will
25 meet and confer to understand the purported relevance of this request and narrow the scope and time
26 period of the Request.
27
28

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
12 not produce documents relating to this Request as it is premature and protected by attorney-client
13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for

28 Production Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request for Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within his possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K. L. Young (State Bar No. 318371)
Louis A. Kessler (State Bar No. 243703)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
lkessler@saverilawfirm.com
hbenon@saverilawfirm.com
kmcMahon@saverilawfirm.com
acera@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, 406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (pro hac vice)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF RICHARD KADREY'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

Request to the extent that the term “generative AI” is vague and ambiguous. Plaintiff objects to the term “copyrighted works” as overbroad and undefined. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to the extent that it calls for communications subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production Nos. 2, 3, 4, 5.

Subject to and without waiving the general and specific objections stated above, Plaintiff will search for and produce relevant and responsive non-privileged communications within his possession, custody, or control relating to use of Plaintiff’s ASSERTED WORKS for the purposes of training generative AI models.

REQUEST FOR PRODUCTION NO. 9:

DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 9:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that it has no conceivable relevance to this ACTION and that some such documents are publicly accessible, are equally available to Defendant, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 meet and confer to understand the purported relevance of this request and narrow the scope and time
 3 period of the Request.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on
 6 YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013
 7 and the present.

8 **RESPONSE TO REQUEST NO. 10:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
 10 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff
 14 objects to this Request on the grounds that some such documents are publicly accessible, are equally
 15 available to Defendant, or are already in their possession, custody, or control. Plaintiff objects to this
 16 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 17 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 18 Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories
 19 Nos. 1, 2, 4.

20 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 21 meet and confer to narrow the scope and time period of the Request.

22 **REQUEST FOR PRODUCTION NO. 11:**

23 DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED
 24 WORKS between January 1, 2013 and the present.

25 **RESPONSE TO REQUEST NO. 11:**

26 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
 27 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 28 Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of Meta's alleged infringement of YOUR ASSERTED WORKS.

RESPONSE TO REQUEST NO. 23:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term "sustained injury" is vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiff also object to the Request because it prematurely seeks information regarding damages and is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 24, 25, 26.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

RESPONSE TO REQUEST NO. 24:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiff also object to the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff

objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 23, 25, 26.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a result of the creation and distribution of the “Pile” dataset (referenced in the COMPLAINT) by THIRD PARTIES.

RESPONSE TO REQUEST NO. 25:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 23, 24.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature and protected by attorney-client privileges.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by THIRD PARTIES.

RESPONSE TO REQUEST NO. 26:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production Nos. 23, 24.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature and protected by attorney-client privileges.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the Books3 and Pile datasets.

RESPONSE TO REQUEST NO. 27:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production No. 19.

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmcmahon@saverilawfirm.com
acera@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**

205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF MATTHEW KLAM'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

Lead Case No. 3:23-cv-03417-VC

PLAINTIFF MATTHEW KLAM'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

1 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
2 Request to the extent that it is duplicative, in whole or in part, of Request For Production Nos. 2, 3,
3 4, 5.

4 Subject to and without waiving the general and specific objections stated above, Plaintiff will
5 search for and produce relevant and responsive non-privileged communications within his possession,
6 custody, or control relating to use of Plaintiff's ASSERTED WORKS for the purposes of training
7 generative AI models.

8 **REQUEST FOR PRODUCTION NO. 9:**

9 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
10 ASSERTED WORKS between January 1, 2013 and the present.

11 **RESPONSE TO REQUEST NO. 9:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
14 Request to the extent that the term "annual sales by dollar amount and quantity of YOUR ASSERTED
15 WORKS" is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
16 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
17 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
18 grounds that it has no conceivable relevance to this ACTION and that some such documents are
19 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
20 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
21 client privilege, work product doctrine, and/or any other applicable privilege or protection from
22 disclosure.

23 Subject to and without waiving the general and specific objections stated above, Plaintiff will
24 meet and confer to understand the purported relevance of this request and narrow the scope and time
25 period of the Request.

26 **REQUEST FOR PRODUCTION NO. 10:**

1 DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on
2 YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013
3 and the present.

4 **RESPONSE TO REQUEST NO. 10:**

5 In addition to and without waiving the general objections set forth above, Plaintiff objects to
6 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
7 Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this
8 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
9 of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff
10 objects to this Request on the grounds that some such documents are publicly accessible, are equally
11 available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this
12 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
13 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
14 Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories
15 Nos. 1, 2, 4.

16 Subject to and without waiving the general and specific objections stated above, Plaintiff will
17 meet and confer to narrow the scope and time period of the Request.

18 **REQUEST FOR PRODUCTION NO. 11:**

19 DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED
20 WORKS between January 1, 2013 and the present.

21 **RESPONSE TO REQUEST NO. 11:**

22 In addition to and without waiving the general objections set forth above, Plaintiff objects to
23 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
24 Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to
25 this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
26 needs of the case, particularly because the Request seeks documents dating back to January 1, 2013.
27 Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are
28 equally available to Defendants, or are already in their possession, custody, or control. Plaintiff objects

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 12 not produce documents relating to this Request as it is premature and protected by attorney-client
 13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
 17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 28 Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request For Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within his possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmcmahon@saverilawfirm.com
acera@saverilawfirm.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF LAURA LIPPMAN'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

1 unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case,
2 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to
3 the extent that it calls for communications subject to the attorney-client privilege, work product
4 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
5 Request to the extent that it is duplicative, in whole or in part, of Request For Production Nos. 2, 3,
6 4, 5.

7 Subject to and without waiving the general and specific objections stated above, Plaintiff will
8 search for and produce relevant and responsive non-privileged communications within her possession,
9 custody, or control relating to use of Plaintiff’s ASSERTED WORKS for the purposes of training
10 generative AI models.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
13 ASSERTED WORKS between January 1, 2013 and the present.

14 **RESPONSE TO REQUEST NO. 9:**

15 In addition to and without waiving the general objections set forth above, Plaintiff objects to
16 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
17 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
18 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
19 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
20 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
21 grounds that it has no conceivable relevance to this ACTION and that some such documents are
22 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
23 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
24 client privilege, work product doctrine, and/or any other applicable privilege or protection from
25 disclosure.

26 Subject to and without waiving the general and specific objections stated above, Plaintiff will
27 meet and confer to understand the purported relevance of this request and narrow the scope and time
28 period of the Request.

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
 2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
 4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
 5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
 10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
 15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
 16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
 17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
 27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 12 not produce documents relating to this Request as it is premature and protected by attorney-client
 13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
 17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 28 Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request For Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within her possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K. L. Young (State Bar No. 318371)
Louis A. Kessler (State Bar No. 243703)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
lkessler@saverilawfirm.com
hbenon@saverilawfirm.com
kmcMahon@saverilawfirm.com
acera@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, 406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (pro hac vice)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF SARAH SILVERMAN'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.
RESPONDING PARTIES: Plaintiff Sarah Silverman
SET NUMBER: One (1)

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Sarah Silverman (“Plaintiff”) in the above-titled action hereby responds to Defendant Meta Platforms, Inc. (“Defendant” or “Meta”) First Set of Requests for Production of Documents (the “Requests”). Notably, an agreement by Plaintiff to search for documents does not mean that she has documents in her possession, custody, or control.

INTRODUCTORY RESPONSE

Plaintiff responds to the Requests based on the best information available to her at the time the responsive information was gathered, within the limits of time, and subject to the objections described below. Plaintiff responds to the Requests as she interprets and understands each Request set forth herein. If Meta subsequently asserts an interpretation of any of the Requests that differs from Plaintiff’s understanding, Plaintiff reserves the right to supplement her objections and/or responses.

Plaintiff’s willingness to respond to any particular Request does not constitute an admission that Plaintiff agrees with any characterization, definition, or assumption contained in the Request or an assumption or an acknowledgement by Plaintiff that the Request is proper, that the information sought is within the proper bounds of discovery or that demands for similar information will be treated in similar fashion. Furthermore, a statement that responsive documents will be produced in response to a particular Request does not mean that Plaintiff knows any such document exists or is in her possession, custody, or control.

Plaintiff’s responses to the Requests may contain, provide, or refer to information that is protected under the Stipulated Protective Order entered in this matter, and should therefore be treated accordingly.

term “copyrighted works” as overbroad and undefined. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to the extent that it calls for communications subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 2, 3, 4, 5.

Subject to and without waiving the general and specific objections stated above, Plaintiff will search for and produce relevant and responsive non-privileged communications within her possession, custody, or control relating to use of Plaintiff’s ASSERTED WORKS for the purposes of training generative AI models.

REQUEST FOR PRODUCTION NO. 9:

DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 9:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that it has no conceivable relevance to this ACTION and that some such documents are publicly accessible, are equally available to Defendant, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to understand the purported relevance of this request and narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendant, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls
 2 for documents subject to the attorney-client privilege, work product doctrine, and/or any other
 3 applicable privilege or protection from disclosure.

4 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 5 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 6 the First Consolidated Amended Complaint.

7 **REQUEST FOR PRODUCTION NO. 22:**

8 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 9 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 10 has allegedly infringed YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 22:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
 13 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 14 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 15 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 16 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 17 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 18 accessible, are equally available to Defendant, or are already in their possession, custody, or control.
 19 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 20 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

21 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 22 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

23 **REQUEST FOR PRODUCTION NO. 23:**

24 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 25 Meta’s alleged infringement of YOUR ASSERTED WORKS.

26 **RESPONSE TO REQUEST NO. 23:**

27 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
 28 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this

1 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
2 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
3 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to the Request
4 because it prematurely seeks information regarding damages and is the subject of expert testimony.
5 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
6 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
7 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for
8 Production Nos. 24, 25, 26.

9 Subject to and without waiving the general and specific objections stated above, Plaintiff will not
10 produce documents relating to this Request as it is premature.

11 **REQUEST FOR PRODUCTION NO. 24:**

12 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
13 suffered due to Meta’s alleged infringement of YOUR ASSERTED WORKS.

14 **RESPONSE TO REQUEST NO. 24:**

15 In addition to and without waiving the general objections set forth above, Plaintiff objects to this
16 Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
17 Request to the extent that the term “lost opportunity” is ambiguous and vague. Plaintiff further objects
18 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
19 needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to
20 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
21 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
22 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
23 objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production
24 Nos. 23, 25, 26.

25 Subject to and without waiving the general and specific objections stated above, Plaintiff will not
26 produce documents relating to this Request as it is premature.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a result of the creation and distribution of the “Pile” dataset (referenced in the COMPLAINT) by THIRD PARTIES.

RESPONSE TO REQUEST NO. 25:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also objects to the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 23, 24.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature and protected by attorney-client privileges.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by THIRD PARTIES.

RESPONSE TO REQUEST NO. 26:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff also object to the

Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production Nos. 23, 24.

Subject to and without waiving the general and specific objections stated above, Plaintiff will not produce documents relating to this Request as it is premature and protected by attorney-client privileges.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the Books3 and Pile datasets.

RESPONSE TO REQUEST NO. 27:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Request for Production No. 19.

Subject to and without waiving the general and specific objections stated above, Plaintiff will search for and produce relevant and responsive non-privileged documents within her possession, custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

REQUEST FOR PRODUCTION NO. 28:

A copy of any valuation of the ASSERTED WORKS.

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmcmahon@saverilawfirm.com
acera@saverilawfirm.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF RACHEL LOUISE SNYDER'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

1 unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case,
2 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to
3 the extent that it calls for communications subject to the attorney-client privilege, work product
4 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
5 Request to the extent that it is duplicative, in whole or in part, of Request For Production Nos. 2, 3,
6 4, 5.

7 Subject to and without waiving the general and specific objections stated above, Plaintiff will
8 search for and produce relevant and responsive non-privileged communications within her possession,
9 custody, or control relating to use of Plaintiff’s ASSERTED WORKS for the purposes of training
10 generative AI models.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
13 ASSERTED WORKS between January 1, 2013 and the present.

14 **RESPONSE TO REQUEST NO. 9:**

15 In addition to and without waiving the general objections set forth above, Plaintiff objects to
16 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
17 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
18 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
19 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
20 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
21 grounds that it has no conceivable relevance to this ACTION and that some such documents are
22 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
23 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
24 client privilege, work product doctrine, and/or any other applicable privilege or protection from
25 disclosure.

26 Subject to and without waiving the general and specific objections stated above, Plaintiff will
27 meet and confer to understand the purported relevance of this request and narrow the scope and time
28 period of the Request.

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 12 not produce documents relating to this Request as it is premature and protected by attorney-client
 13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
 17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 28 Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request For Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within her possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the

David A. Straite (admitted *pro hac vice*)

DiCELLO LEVITT LLP

485 Lexington Ave., Suite 1001

New York, New York 10017

Tel.: (646) 933-1000

Fax: (646) 494-9648

dstraite@dicellolevitt.com

*Counsel for Plaintiffs and the Proposed
Class, Additional Counsel Listed Below*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW SEAN
GREER, DAVID HENRY HWANG,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF LYSA TERKEURST'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S FIRST SET OF REQUESTS FOR
PRODUCTION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: Lysa TerKeurst

SET NUMBER: One (1)

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Lysa TerKeurst ("Plaintiff") in the above-titled action hereby responds to Defendant Meta Platforms, Inc. ("Defendant" or "Meta") First Set of Requests for Production of Documents (the "Requests"). An agreement by Plaintiff to search for documents does not mean that she has documents in her possession, custody, or control.

1 disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part,
2 of Request for Production Nos. 2, 3, 4, 5.

3 Subject to and without waiving the general and specific objections stated above, Plaintiff
4 will search for and produce relevant and responsive non-privileged communications within her
5 possession, custody, or control relating to the use of Plaintiff's ASSERTED WORKS for the
6 purposes of training generative AI models.

7 **REQUEST FOR PRODUCTION NO. 9:**

8 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
9 ASSERTED WORKS between January 1, 2013 and the present.

10 **RESPONSE TO REQUEST NO. 9:**

11 In addition to and without waiving the general objections set forth above, Plaintiff objects
12 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
13 to this Request to the extent that the term "annual sales by dollar amount and quantity of YOUR
14 ASSERTED WORKS" is vague and ambiguous. Plaintiff further objects to this Request as unduly
15 burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case,
16 particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects
17 to this Request on the grounds that it has no conceivable relevance to this ACTION and that some
18 such documents are publicly accessible, are equally available to Defendants, or are already in their
19 possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for
20 documents subject to the attorney-client privilege, work product doctrine, and/or any other
21 applicable privilege or protection from disclosure.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff
23 will search for and produce relevant and responsive non-privileged documents within her
24 possession, custody, or control.

25 **REQUEST FOR PRODUCTION NO. 10:**

1 DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU
2 or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between
3 January 1, 2013 and the present.

4 **RESPONSE TO REQUEST NO. 10:**

5 In addition to and without waiving the general objections set forth above, Plaintiff objects
6 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
7 to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further
8 objects to this Request as unduly burdensome, not relevant to any claim or defense, and
9 disproportionate to the needs of the case, particularly because the Request seeks documents dating
10 back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents
11 are publicly accessible, are equally available to Defendants, or are already in their possession,
12 custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject
13 to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or
14 protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in
15 whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

16 Subject to and without waiving the general and specific objections stated above, Plaintiff
17 will search for and produce relevant and responsive non-privileged documents within her
18 possession, custody, or control.

19 **REQUEST FOR PRODUCTION NO. 11:**

20 DOCUMENTS sufficient to show prospective licensing opportunities for YOUR
21 ASSERTED WORKS between January 1, 2013 and the present.

22 **RESPONSE TO REQUEST NO. 11:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects
24 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
25 to this Request to the extent that the terms “prospective” and “opportunities” are vague and
26 ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any

1 Subject to and without waiving the general and specific objections stated above, Plaintiff
2 will search for and produce relevant and responsive non-privileged documents within her
3 possession, custody, or control.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf,
6 to enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone
7 who has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects
10 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
11 to this Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to
12 this Request to the extent that the term "YOUR behalf" is ambiguous and overbroad. Plaintiff
13 further objects to this Request as unduly burdensome, not relevant to any claim or defense, and
14 disproportionate to the needs of the case. Plaintiff objects to this Request on the grounds that some
15 such documents are publicly accessible, are equally available to Defendants, or are already in their
16 possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for
17 documents subject to the attorney-client privilege, work product doctrine, and/or any other
18 applicable privilege or protection from disclosure.

19 Subject to and without waiving the general and specific objections stated above, Plaintiff
20 will search for and produce relevant and responsive non-privileged documents within her
21 possession, custody, or control.

22 **REQUEST FOR PRODUCTION NO. 23:**

23 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
24 Meta’s alleged infringement of YOUR ASSERTED WORKS.

25 **RESPONSE TO REQUEST NO. 23:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects
 2 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
 3 to this Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to
 4 this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to
 5 the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also
 6 object to the Request because it prematurely seeks information regarding damages and is the
 7 subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for documents
 8 subject to the attorney-client privilege, work product doctrine, and/or any other applicable
 9 privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is
 10 duplicative, in whole or in part, of RFP Nos. 24, 25, 26.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff
 12 will not produce documents relating to this Request as it is premature.

13 **REQUEST FOR PRODUCTION NO. 24:**

14 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU
 15 allegedly suffered due to Meta’s alleged infringement of YOUR ASSERTED WORKS.

16 **RESPONSE TO REQUEST NO. 24:**

17 In addition to and without waiving the general objections set forth above, Plaintiff objects
 18 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
 19 to this Request to the extent that the term “lost opportunity” is ambiguous and vague. Plaintiff
 20 further objects to this Request as unduly burdensome, not relevant to any claim or defense, and
 21 disproportionate to the needs of the case, particularly because the Request seeks “All
 22 DOCUMENTS.” Plaintiffs also object to the Request because it prematurely seeks information
 23 that is the subject of expert testimony. Plaintiff objects to this Request to the extent that it calls for
 24 documents subject to the attorney-client privilege, work product doctrine, and/or any other
 25 applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent
 26 that it is duplicative, in whole or in part, of Request for Production Nos. 23, 25, 26.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff
2 will not produce documents relating to this Request as it is premature.

3 **REQUEST FOR PRODUCTION NO. 25:**

4 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered
5 as a result of the creation and distribution of the “Pile” dataset (referenced in the COMPLAINT)
6 by THIRD PARTIES.

7 **RESPONSE TO REQUEST NO. 25:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects
9 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
10 to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects
11 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate
12 to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs
13 also object to the Request because it prematurely seeks information that is the subject of expert
14 testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the
15 attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection
16 from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in
17 part, of Request for Production Nos. 23, 24.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff
19 will not produce documents relating to this Request as it is premature and protected by attorney-
20 client privileges.

21 **REQUEST FOR PRODUCTION NO. 26:**

22 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered
23 as a result of the creation and distribution of the “Books3” dataset (referenced in the
24 COMPLAINT) by THIRD PARTIES.

25 **RESPONSE TO REQUEST NO. 26:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects
2 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
3 to this Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects
4 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate
5 to the needs of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs
6 also object to the Request because it prematurely seeks information that is the subject of expert
7 testimony. Plaintiff objects to this Request to the extent that it calls for documents subject to the
8 attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection
9 from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in
10 part, of Request for Production Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff
12 will not produce documents relating to this Request as it is premature and protected by attorney-
13 client privileges.

14 **REQUEST FOR PRODUCTION NO. 27:**

15 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of
16 the Books3 and Pile datasets.

17 **RESPONSE TO REQUEST NO. 27:**

18 In addition to and without waiving the general objections set forth above, Plaintiff objects
19 to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects
20 to this Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to
21 this Request to the extent that the term “creation and distribution” is ambiguous. Plaintiff further
22 objects to this Request as unduly burdensome, not relevant to any claim or defense, and
23 disproportionate to the needs of the case, particularly because the Request seeks “All
24 DOCUMENTS.” Plaintiff objects to this Request to the extent that it calls for documents subject
25 to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or
26

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Travis Manfredi (State Bar No. 281779)
Holden Benon (State Bar No. 325847)
Kathleen J. McMahon (State Bar No. 340007)
Aaron Cera (State Bar No. 351163)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
tmanfredi@saverilawfirm.com
hbenon@saverilawfirm.com
kcmcmahon@saverilawfirm.com
acera@saverilawfirm.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Bryan L. Clobes (*pro hac vice*)
**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
Email: bclobes@caffertyclobes.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC

**PLAINTIFF JACQUELINE WOODSON'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

1 unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case,
2 particularly because the Request seeks “All COMMUNICATIONS.” Plaintiff objects to this Request to
3 the extent that it calls for communications subject to the attorney-client privilege, work product
4 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
5 Request to the extent that it is duplicative, in whole or in part, of Request For Production Nos. 2, 3,
6 4, 5.

7 Subject to and without waiving the general and specific objections stated above, Plaintiff will
8 search for and produce relevant and responsive non-privileged communications within her possession,
9 custody, or control relating to use of Plaintiff’s ASSERTED WORKS for the purposes of training
10 generative AI models.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 DOCUMENTS sufficient to show annual sales by dollar amount and quantity of YOUR
13 ASSERTED WORKS between January 1, 2013 and the present.

14 **RESPONSE TO REQUEST NO. 9:**

15 In addition to and without waiving the general objections set forth above, Plaintiff objects to
16 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
17 Request to the extent that the term “annual sales by dollar amount and quantity of YOUR ASSERTED
18 WORKS” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not
19 relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the
20 Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the
21 grounds that it has no conceivable relevance to this ACTION and that some such documents are
22 publicly accessible, are equally available to Defendants, or are already in their possession, custody, or
23 control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-
24 client privilege, work product doctrine, and/or any other applicable privilege or protection from
25 disclosure.

26 Subject to and without waiving the general and specific objections stated above, Plaintiff will
27 meet and confer to understand the purported relevance of this request and narrow the scope and time
28 period of the Request.

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to show any licensing, permissions, or consents given by YOU or on YOUR behalf to third parties CONCERNING YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 10:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “consents” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are equally available to Defendants, or are already in their possession, custody, or control. Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of Meta’s First Set of Interrogatories Nos. 1, 2, 4.

Subject to and without waiving the general and specific objections stated above, Plaintiff will meet and confer to narrow the scope and time period of the Request.

REQUEST FOR PRODUCTION NO. 11:

DOCUMENTS sufficient to show prospective licensing opportunities for YOUR ASSERTED WORKS between January 1, 2013 and the present.

RESPONSE TO REQUEST NO. 11:

In addition to and without waiving the general objections set forth above, Plaintiff objects to this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this Request to the extent that the term “opportunities” is vague and ambiguous. Plaintiff further objects to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the Request seeks documents dating back to January 1, 2013. Plaintiff objects to this Request on the grounds that some such documents are publicly accessible, are

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 produce, upon receipt from EleutherAI, the Discord chat messages referenced in paragraphs 55–62 of
 3 the First Consolidated Amended Complaint.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 DOCUMENTS sufficient to show YOUR efforts, or the efforts by those on YOUR behalf, to
 6 enforce claimed rights under the Copyright Act in YOUR ASSERTED WORKS against anyone who
 7 has allegedly infringed YOUR ASSERTED WORKS.

8 **RESPONSE TO REQUEST NO. 22:**

9 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 10 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 11 Request to the extent that the term “efforts” is vague and ambiguous. Plaintiff objects to this Request to
 12 the extent that the term “YOUR behalf” is ambiguous and overbroad. Plaintiff further objects to this
 13 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 14 of the case. Plaintiff objects to this Request on the grounds that some such documents are publicly
 15 accessible, are equally available to Defendants, or are already in their possession, custody, or control.
 16 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
 17 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.

18 Subject to and without waiving the general and specific objections stated above, Plaintiff refers
 19 the propounding party to *In Re OpenAI ChatGPT Litigation*, Lead Case No. 3:23-cv-03223-AMO.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS supporting YOUR contention that YOU sustained injury as a result of
 22 Meta’s alleged infringement of YOUR ASSERTED WORKS.

23 **RESPONSE TO REQUEST NO. 23:**

24 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 25 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 26 Request to the extent that the term “sustained injury” is vague. Plaintiff further objects to this Request
 27 as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the
 28 case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the Request

1 because it prematurely seeks information regarding damages and is the subject of expert testimony.
2 Plaintiff objects to this Request to the extent that it calls for documents subject to the attorney-client
3 privilege, work product doctrine, and/or any other applicable privilege or protection from disclosure.
4 Plaintiff objects to this Request to the extent that it is duplicative, in whole or in part, of RFP Nos. 24,
5 25, 26.

6 Subject to and without waiving the general and specific objections stated above, Plaintiff will
7 not produce documents relating to this Request as it is premature.

8 **REQUEST FOR PRODUCTION NO. 24:**

9 All DOCUMENTS CONCERNING any lost sales or other lost opportunity that YOU allegedly
10 suffered due to Meta's alleged infringement of YOUR ASSERTED WORKS.

11 **RESPONSE TO REQUEST NO. 24:**

12 In addition to and without waiving the general objections set forth above, Plaintiff objects to
13 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
14 Request to the extent that the term "lost opportunity" is ambiguous and vague. Plaintiff further objects
15 to this Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the
16 needs of the case, particularly because the Request seeks "All DOCUMENTS." Plaintiffs also object to
17 the Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
18 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
19 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
20 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
21 Nos. 23, 25, 26.

22 Subject to and without waiving the general and specific objections stated above, Plaintiff will
23 not produce documents relating to this Request as it is premature.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
26 result of the creation and distribution of the "Pile" dataset (referenced in the COMPLAINT) by THIRD
27 PARTIES.

28 **RESPONSE TO REQUEST NO. 25:**

1 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 2 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 3 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 4 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 5 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 6 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 7 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 8 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 9 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 10 Nos. 23, 24.

11 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 12 not produce documents relating to this Request as it is premature and protected by attorney-client
 13 privileges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All DOCUMENTS CONCERNING the injury or other harm YOU have allegedly suffered as a
 16 result of the creation and distribution of the “Books3” dataset (referenced in the COMPLAINT) by
 17 THIRD PARTIES.

18 **RESPONSE TO REQUEST NO. 26:**

19 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 20 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 21 Request to the extent that the term “harm” is ambiguous and vague. Plaintiff further objects to this
 22 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 23 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiffs also object to the
 24 Request because it prematurely seeks information that is the subject of expert testimony. Plaintiff
 25 objects to this Request to the extent that it calls for documents subject to the attorney-client privilege,
 26 work product doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff
 27 objects to this Request to the extent that it is duplicative, in whole or in part, of Request For Production
 28 Nos. 23, 24.

1 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 2 not produce documents relating to this Request as it is premature and protected by attorney-client
 3 privileges.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 All DOCUMENTS CONCERNING YOUR awareness of the creation and distribution of the
 6 Books3 and Pile datasets.

7 **RESPONSE TO REQUEST NO. 27:**

8 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 9 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 10 Request to the extent that the term “awareness” is vague and overbroad. Plaintiff objects to this Request
 11 to the extent that the term “creation and distribution” is ambiguous. Plaintiff further objects to this
 12 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 13 of the case, particularly because the Request seeks “All DOCUMENTS.” Plaintiff objects to this
 14 Request to the extent that it calls for documents subject to the attorney-client privilege, work product
 15 doctrine, and/or any other applicable privilege or protection from disclosure. Plaintiff objects to this
 16 Request to the extent that it is duplicative, in whole or in part, of Request For Production No. 19.

17 Subject to and without waiving the general and specific objections stated above, Plaintiff will
 18 search for and produce relevant and responsive non-privileged documents within her possession,
 19 custody, or control relating to the creation and distribution of the Books3 and Pile datasets if they exist.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 A copy of any valuation of the ASSERTED WORKS.

22 **RESPONSE TO REQUEST NO. 28:**

23 In addition to and without waiving the general objections set forth above, Plaintiff objects to
 24 this Request to the extent that it is vague, ambiguous, and overbroad in nature. Plaintiff objects to this
 25 Request to the extent that the term “valuation” is vague and ambiguous. Plaintiff objects to this Request
 26 to the extent that the term “a copy” is undefined and unknowable. Plaintiff further objects to this
 27 Request as unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs
 28 of the case. Plaintiff objects to this Request to the extent that it calls for documents subject to the